

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

**RICK GUDRY, DAVE SPENCER, and)
FREDERICK CUNNINGHAM, individually,)
and on behalf of other similarly situated)
employees and former employees,**)

Plaintiffs,)

v.)

**CHENEGA INTEGRATED SYSTEMS,
L.L.C.,
CHENEGA TECHNICAL PRODUCTS,
L.L.C.,
CHENEGA SECURITY & PROTECTION
SERVICES, L.L.C., AND CHENEGA
CORPORATION,**)

Defendants.)

CASE NO. 5:07-CV-00345-D

378

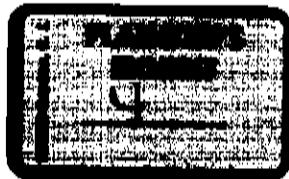
AFFIDAVIT OF RAND C. EDDY

**STATE OF OKLAHOMA)
COUNTY OF OKLAHOMA)**

1. The facts stated in this declaration are within my personal knowledge and are true and correct.

2. I am an attorney with the Eddy Law Firm, P.C. of Oklahoma City, Oklahoma and together with the law firm of Godlove, Mayhall, Dzialo, Dutcher & Erwin have represented the plaintiffs through the entirety of this litigation including a substantial amount of time expended prior to the filing of the complaint.

3. This case was undertaken on a contingent fee basis and a copy of the agreement is attached to this motion.



4. Each opt-in consent filed in this litigation reflects an agreement to the contingent fee of forty percent (40%) of the common fund recovery. A sample of the opt-in consent form is also attached to this motion.

5. The negotiated settlement between the parties provides that plaintiffs' counsel will seek court approval for attorneys' fee representing forty percent (40%) of the common fund and defendants have agreed not to object to the fee request.

6. To support the requested attorneys' fee, I have reviewed the work I have performed over the last four (4) years. The reasonable and necessary legal services associated with it to date and anticipated, are categorized and described as follows:

Case Investigation, document review, interviews	50 hours
Research regarding FLSA collective action and potential defenses	31 hours
Drafting, revising and filing initial complaint, summons	10 hours
Doc. Review/initial disclosures and court appearance in OKC	12 hours
Additional case investigation/legwork/client communications	27 hours
Letters, email and telephone conferences with counsel	19 hours
Review written discovery from defendants and prepare responses	14 hours
Review file; draft written discovery to defendants	18 hours
Review written discovery responses and documents from defense	22 hours
Review deposition transcripts, court orders, time sheets of opt-in plaintiffs	21 hours
Assorted motion practice/court filings/legal research/briefing	140 hours
a) Motion for Judgment on Pleadings	
b) Equitable tolling	
c) Protective Order	
Draft and file motion/amended motion for collective certification	53 hours

Pre-Mediation Settlement negotiations and document review/ preparation	19 hours
Prepare for and attend case mediation in OKC	20 hours
Post-mediation settlement negotiations, draft, review and revise documentation; court appearance	45 hours
	<hr/> 501 total hours

7. I have specifically excluded all time and expenses related to the "Joint Employment" issue.

8. Over the past twenty-four (24) years of my law practice, I have handled many employment related cases in both Federal and State courts. In addition, I have briefed and argued appeals in the Oklahoma Supreme Court, the United States Court of Appeals for the Tenth Federal Circuit. I am also admitted to practice in the Eastern and Northern District Courts of Oklahoma as well as the United States Supreme Court. My hourly rate for litigation is \$225.00 per hour.

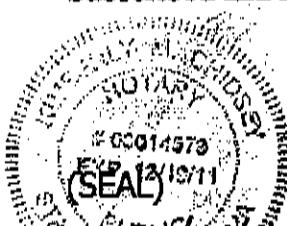
9. The settlement entered into was fairly and honestly negotiated. This case was mediated on September 22, 2010, with a mutually agreed upon private mediator, Hunter R. Hughes, Esq. of Rogers and Harden L.L.P. who is an experienced wage and hour class action mediator with a national reputation. At the time of mediation, and without limitation, the merits of the case had been thoroughly investigated, the case had been on file for approximately three and half years, significant discovery has been conducted and plaintiffs' deposition had been taken. In addition, significant legal research and briefing has been done a variety of issues. Accordingly, it is my view that all the parties, at the time of mediation, had a thorough grasp of all issues relating to anticipated discovery on the issue of equitable tolling, decertification, dispositive motions, and expenses relating to expert witness(s) and trial.

10. A true and correct copy of my litigation related costs/expenses is as follows:

Court Reporter	\$ 1364.21
USDC-Western District - Filing Fees	\$ 350.00
US First Class Postage	\$ 1943.89
Legal Research/Thompson West	\$ 150.00
Federal Express	\$ 84.90
<i>Total Costs</i>	<i>\$ 3893.00</i>

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Subscribed and sworn to before me this 8th day of December, 2010.



Commission Expires

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